



Sen. Dale Brandland

42TH LEGISLATIVE DISTRICT

UPDATE FROM OLYMPIA

Sen. Dale Brandland

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Committee Assignments

- Financial Institutions, Housing and Consumer Protection
- Health and Long-Term Care
- Human Services and Corrections
- Ways and Means, Ways & Means
- Capital Budget Sub-Committee, Ranking Republican Member

Spring 2006

Dear Friends,

The 2006 session is over and I'm very happy to be home again. This year, we had a "short" but extremely busy 59-day session. We were able to tackle some big issues, and some smaller ones, that while not groundbreaking, may make our lives easier.

I want to again thank everyone who came to Olympia to visit me during the session. It's always nice to see familiar faces, and I appreciate your interest in the legislative process.

It has been a privilege and an honor to work for you in the state Legislature these past few years. I appreciate the feedback I have received from you. Your input helps me serve you better.

If you ever need help with a problem involving state government, please let me or my legislative assistant, Bunny Hooper, know. We are here to serve you.

In your service,

A stylized, handwritten signature of Dale E. Brandland in blue ink.

Sen. Dale Brandland
42nd Legislative District



2006 Supplemental Budget

At the beginning of this session, I had said that one of the most important issues we needed to pay attention to is our state budget. Washington is on a two-year budgeting cycle and this year we considered our supplemental – or midterm – budget. The supplemental budget is intended to fund unforeseen needs – things that we did not anticipate when we wrote the



budget at the start of the biennium in 2005. This year, budget forecasters announced that the state had a \$1.6 billion surplus. That by no means gives us the right to go on a spending spree. Unfortunately, that's what the Legislature did. The package that passed increased spending by 17.4 per-

cent. That's why I voted against the 2-year budget as a whole.

There was a lot of talk about putting money away in reserves, but that money was simply "earmarked" to be used starting next year. In other words, the money is put away so that it could be spent on something else, later on. In essence, it's already spent!

Although the budget had some good things in it, I did not agree with this method of budgeting. With the surplus dollars, we could have and should have paid our debt to the state employees' pension system. Right now, the system faces a \$4 billion shortfall. Putting the payment off only increases the amount we will owe in the future.

Community-Based Health Care



In Whatcom county, we have a community-based health care program that works hard to connect our uninsured citizens to the health care services they need. I've seen this program do remarkable things in our community. I wanted to give them the ability to continue doing innovative things.

Senate Bill 6459 establishes a grant program for community based-health care providers. Community health care providers are non-profit organizations, located all

over the state, but created at the local level to establish private and government partnerships that provide health care services to the underinsured and uninsured.

Sometimes in Olympia there is a mentality that the Legislature solves all the problems; I really believe problems are best solved at home. This bill creates grants of up to \$250,000.

Twenty-eight out of 39 counties have community-based health care programs that provide health care access solutions. They have a track record of providing answers to tough health care problems – we just need to give them the resources.

The bill passed both the House and the Senate, giving these organizations a hand to serve a need in our communities.



Patient Safety and Insurance Reform

Last year, the medical malpractice debate was focused on two initiatives I-330, sponsored by the Washington State Medical Association, and I-336 sponsored by the Washington State Trial Lawyers.

Both of these measures ending up failing, sending the issue back to the Legislature. This session we were able to get past the initiative debate and move forward. We eventually passed House Bill 2292 which has some good patient safety and doctor responsibility components.

The bill allows health care providers to apologize and admit

fault without having the apology be admitted as evidence. It also requires insurers and claimants to report certain data regarding medical malpractice closed claims so that the Office of Insurance Commissioner can study trends in the malpractice area.

These are important changes, but I look forward to next working on true comprehensive liability reform. There is still a lot more to be done.

One of the things we need to look at is revising joint and several liability, the "deep pockets" problem that forces people with more money – who may or may

not really be at fault – to pay up in a big way. Instead defendants should be accountable for their own proportionate share of fault.

I also think we should do more to lower insurance premiums for our high-risk doctors like ob-gyns. Right now there is nothing in the legislation that addresses the problem. Unless we find a solution, we risk losing these doctors as they decide to close their practices.

The bill we passed this year is a good first step, but it's clear we need to continue the conversation on this very important issue.

Medical Privacy and Law Enforcement (SB 6106)



Sen. Brandland joins Gov. Gregoire, Rep. Mark Ericks and Capt. Jeff DeVere, Washington State Patrol, at the signing of SB6106 on March 27, 2006.

Every time you go to the doctor's office or the hospital, your medical privacy is protected. Thanks to the federal Health Insurance Portability and Accountability Act, you don't have to worry about the hospital unknowingly releasing information about what medication you

are taking, what treatment you are undergoing, or anything else about your visit.

Unfortunately, this federal law, intended to protect your privacy, is also unintentionally protecting suspected criminals. When a criminal suspect is injured at the scene of the crime, and goes

to a hospital to get treated, the hospital is not allowed to give out any information about him/her without his/her consent. So, when law enforcement tracks down the suspect at the hospital, the hospital cannot release any information about the suspect, including his/her name.

As you can imagine, this is frustrating for law enforcement and sometimes sets them back in their investigation. As a former sheriff, I know how valuable obtaining this basic information can be.

The federal law does not allow release of this information even in these cases unless state law explicitly asks health care providers to do so. This year, I sponsored and the Legislature passed Senate Bill 6106 which does just that.

With the backing of law enforcement and hospitals, we were able to enact a simple fix that will allow hospitals to work hand-in-hand with law enforcement without anyone violating the law.

Private Property–Chattel Liens (SB 5204)

Two years ago, a man from Everson, Wash. told me about a situation he encountered when his vehicle was stolen from his front yard. He called the police department and they came down and took a police report. Low and behold, local police stumbled upon the vehicle, but found the driver actually had a good title.

An investigation revealed the individual stole the vehicle and went down to the county auditor's office, and through a number of maneuvers, was able to secure a title. In the end, they

arrested the thief and charge him with the theft.

The greater problem came when the man tried to recover his car. He found it was extremely difficult to navigate the legal system. So, we started working on this and we found what I think will be remedies for people that get caught up in these unfortunate situations.

With the backing of the Department of Licensing and the Auditors' offices, I introduced Senate Bill 5204 to make it easier for someone to

recover their own property for these types of circumstances. Also, the bill will make it more difficult for the thief to fraudulently obtain a new title for the vehicle or any other stolen property. We've required additional documentation to show that the person requesting the title does indeed legally own the vehicle.

Both the House and Senate passed this bill and it has been signed into law by the Governor. The law takes effect Oct. 1, 2006.





Investments in Our Local Community

Capital construction is one of the few direct ways state government can invest in our local communities. As ranking Republican member of the capital budget committee, I've discovered the importance of these construction projects. Across the state, we were able to use funds in the capital budget complete construction of a crime lab which will help us catch up on the 1,000 cases of DNA testing that are waiting. The impact of this crime lab will be tremendous. Right now we don't have the full ability to complete all of these DNA tests, which means that some of these offenders are wandering our streets. With the ability to complete these tests, we will be able to find offenders and get them out of our communities.

We were also able to invest in school mapping which will give our emergency responders instant information about entrances, exits and buildings of a local school during times of crisis.

Closer to home, we invested \$85,000 in the Deming Library. Residents of Deming will be happy to know that they will soon have an updated facility with books and resources close to home.

DUI Bill

When I was sheriff, I saw people do consecutive DUI offenses in my jail, year after year.

That is why I voted for the felony DUI bill, House Bill 3317, which passed the Legislature at the end of the session. The bill makes it a class C felony to receive five convictions for driving under the influence within a 10-year period. This was the toughest sentencing that we could get through this session.

Not only am I pleased that the state got tougher on DUIs, but I am also pleased that they decided to back that decision with funding. We are finally stepping up to the plate. For many years, whenever we got tough on DUI we asked our counties to pay the bill. This year, we stepped up and said, "it's important, and we will pay for it."



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